

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1142)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY) (H.P. 516) (L.D. 706) (Governor's Bill)

Representative KERR of Old Orchard Beach moved that the House reconsider its action whereby the House adhered to passage to be engrossed as amended by Committee Amendment "A" (H-386) as amended by House Amendment "A" (H-402) thereto.

On further motion of the same Representative, the House voted to Recede.

On further motion of the same Representative, House Amendment "A" (H-402) to Committee Amendment "A" (H-386) was indefinitely postponed.

On further motion of the same Representative Committee Amendment "A" (H-386) was indefinitely postponed.

The same Representative presented House Amendment "A" (H-628) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: It has been a long time getting here and I would urge your support for this House Amendment "A" on L.D. 706. When the Appropriations Committee convened back in January we had one goal and one objective to get our fiscal house in order, pay our bills and try to get rid of the gimmicks and the deferrals. We wanted to create a stable budget that this Legislature and the people of the State of Maine could be proud of. I think we have accomplished that.

On June 5, 1995, the committee reached an impasse. We split along party lines. We then sent out two reports. On June 16, 1995, the committee got back together to work out a compromise. One June 19, 1995, we voted and we remained split. I guess what is really significant about this amendment is that it represents a 13 to 0 vote from a committee that has reached a compromise on L.D. 706. What is in this document that I think is very important, not only to the members of the Legislature and the people of the State of Maine, is that this budget provides tax relief. We talk about tax relief, we can look at the circuit breaker program. It is something that I know that many of us walk the streets and campaigned on for property tax relief in some way, shape or form and also tax reductions.

First, I would like you to be aware of some of the issues that are in this budget that pertain to tax relief. We have a circuit breaker and we increased the eligibility for household incomes with two or more members to \$35,000 from \$25,800. We expanded the eligibility by decreasing benefits and increasing the maximum benefit payment to \$700 from \$500. We also in this document provided language for the personal property tax relief on machinery and equipment, which the Appropriations Committee has told the Chief Executive that we will in L.D. 958 work and try to find the 5 million dollars to get the Governor's initiative on board.

We also worked hard and diligently with the Education Committee to provide a fair and equitable school funding formula for the people of the state

that was funded to the tune of almost 39 million dollars. One of the big stumbling blocks that we have been dealing with for the past four months has been the hospital assessment. The assessment will be reduced in 1998 to 3.56 percent and we will repeal the hospital assessment in 6/30/98. Also, it suspends the assessment if federal reimbursement is eliminated. It also applies for waivers for rural hospitals and border hospitals. The general fund appropriation for the hospital sick tax is 34.9 million dollars. The federal fund match to that will be 32.7 million dollars.

We made great strides from the original bill of L.D. 706, which the Governor presented us back in February, which provided no money to the hospitals. That was a large compromise from the members of this House and the other body and the Appropriations Committee. That is what this budget is built on, compromise. We talk about tax reductions. There is a piece in this budget dealing with income tax utilization fund. What this does is it caps individual income tax collections at FY97 amounts, which is 676 million dollars. It establishes a revenue targeting fund to account for excess revenue. It phases in a 20 percent rate reduction of 1994 rates effective in 1998 based on individual income tax collections over and above that 176 million dollar mark.

Income tax reductions will not apply to the following, a single or married family with separate returns with taxable income in excess of \$30,000, unmarried or legally separated individuals who qualify as heads of household with taxable income in excess of \$45,000, individuals filing married or joint returns or surviving spouse with taxable income in excess of \$60,000. When you go home you can say that this budget does provide tax relief and tax deductions. Also, in this budget for tax reductions is commercial forestry excise tax. There was more money put in from the general fund and less money for the landowners. We also put in this budget research and development tax credit, which I think is very important to all because we all talk about creating jobs. We provided that in L.D. 706.

In dealing with the Income Tax Stabilization Fund, I think it is appropriate so that I addressed it in my caucus and I must address it on the floor of this House, I know there has been a full court press to try to torpedo this Income Tax Stabilization Fund and I will make reference to a letter that the State Treasurer put out June 23, 1994. It states, "A cap on revenues would not mean an instant lowering rate, but with all the negatives in our fiscal picture, it could be the final straw." I think what is very clear, that the State Treasurer, Sam Shapiro, has indicated, is that no single policy will lead to a downgrade.

I had our staff call Standard and Poor and Jim Clair spoke with a man by the name of Dan Fisher. He is familiar with our budget and our strengths and weaknesses in the past where we had gimmicks and deferrals. We tried to have one time savings to balance the budget. We don't have this in L.D. 706. What Dan Fisher did tell us is two of the issues that will determine whether or not the credit rating will stay where it is or increase or decrease is number one, the strength of the economy. Number two, the other criteria that is hurting in this state is the lack of reserve funds. We do have a stable budget and I think this committee and this body has provided

that. We did follow the committee process in developing this budget. All of you were included in that process. We took your committee reports and we put them into this document and we worked around them, which I think is something that has been very different than in the past.

This budget, I don't want you to think is a perfect document, because it is not. The committee has been concerned about a number of areas. I believe in January we will be back here to address some of these issues. One of them is dealing with Medicaid spending and the other is the ability for the Productivity Realization Task Force to achieve the savings. Those two areas should be of concern to all of us. Don't be surprised if we are back here in January addressing some of these issues. I think that what is good though is that, through the committee process and members of the Appropriations Committee has been very clear, the commissioners are going to have to live with their budgets. Their budget is their contract. That is a big move from in the past. I think it is a positive one.

I guess I could stand here and praise the members of this House and the members of the Appropriations Committee because you all made it possible. I would just urge your support with the passage of a compromise budget for the fiscal years 96 and 97. I would urge your support for this document. Thank you.

Representative VOLENIK of Sedgwick presented House Amendment "A" (H-630) to House Amendment "A" (H-628) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Sedgwick, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House: What you have heard is a very good budget and I would commend the committee who put this budget together, however, there is one exception. The pending amendment that I have put in removes the Income Tax Stabilization Fund or cap from the budget. The fiscal note says there is no net effect on general fund appropriations and revenue and a balanced budget is maintained for fiscal years 95-96 and 96-97. The income tax cap is dangerous for Maine's bond rating.

I will read to you an excerpt from the same letter from State Treasurer Sam Shapiro that Representative Kerr read to you from. I quote, "I must inform you that I have been in contact with the rating agencies today and they look unfavorably at any legislation that caps revenues. They have pointed out that our very poor tax position, the uncertainty of federal cuts and the continued short-term borrowing make Maine extremely vulnerable." It gets worse.

Let's say your business has a revenue of \$10,000 per month. Your expenses are \$11,000 per month. You fire your manager for incompetence and along comes three applicants for the job. Their names are Tom, Dick and Harriet. Tom tells you that he will increase revenues to \$11,000, balancing your budget. Dick says he will cut expenses to \$10,000, balancing your budget. Harriet says wait a minute, I will cut your budget to \$7,000 then you will have to reduce your expenses even further until your budget is balanced, but I won't explain how these expenses will go down. Which of these would you hire? If you answered Tom or Dick, you are on the right track. If you answered Harriet, you may have a small system's failure in the gray matter department of your company.

Let's look at the state budget. When expenses exceed income, we have the same three choices,

raising revenue or reducing expenses will balance the budget. Reducing revenue with no identification of program cuts will simply bankrupt state government. Wait, you say, we are not going to reduce revenue, we are only going to cap it. Any income tax revenue beyond 1997 figures will be capped and returned to the people in tax cuts. Great, except for one thing, inflation. Inflation causes wages and benefits to rise and it causes increases in the cost of goods and services. Inflation may technically be only 4 or 5 percent per year on average, but Medicaid costs, mental health program costs, wages, salaries, benefits, retirement and others are skyrocketing at much greater rates of inflation. If inflation averages 8 percent, the cost of government doubles every nine years. If inflation is at 12 percent, the cost of government doubles every six years.

Since 1970, the cost of Maine government has increased from 328 million dollars to 3.3 billion dollars or an average of 12 percent annual inflationary cost increases for all goods and services. That means that government expenses have doubled every six years on average. Let's say that in 1970 we had passed an income tax cap law. Do you know how much income tax revenue we would have today? Twenty-seven million dollars per year as opposed to the more than 700 million dollars we actually draw in. That loss of 700 million dollars per year would mean more than 20 percent of the state's budget would be gone or all of the funding for public protection, natural resources, labor, economic development and general government leaving only education, human services and transportation in the budget.

Let's say that in 1970 we had capped all our tax revenue and that same year the federal government had capped all its tax revenue. The State of Maine would be spending only 328 million dollars this year and every year, one-tenth of what we are spending now. That means no welfare system, no mental health spending, no health spending at all, no revenue sharing, no education funding, no university system, no Department of Marine Resources, no agricultural programs, no FAME loans, no public safety or state police.

If the federal government had capped its taxes, not only would Loring Air Force Base be closed, but Brunswick Naval Air Station, Kittery Shipyard, Bath Iron Works would be shut down and there would be no Medicaid or Medicare programs. Social Security would be history. Our defense industry would only survive if foreign governments bought our products because our own government would be financially bankrupt and in my opinion morally bankrupt as well. Twenty-five years from now, if inflationary cost increases follow the same pattern of the last 25 years and if we cap income tax revenue, the value of that revenue will be one-tenth of what it is today.

So I say, chop income tax revenue if you will. Go further, cap sales tax revenue and corporate tax revenue. Encourage the federal government to cap its revenue. Force the towns to cap their revenue. If you like anarchy, you will be very, very happy. In a world of ever growing complexity and ever growing population and of ever decreasing resources, you will be digging graves for yourselves and your children's grandchildren. Live for today and enjoy the limelight of being part of a generation of lawmakers who fiddled with tax cuts while Rome, China and

Poland Springs burned. I urge you to support this amendment and I ask for a division. Thank you.

The same Representative requested a division on adoption of House Amendment "A" (H-630) to House Amendment "A" (H-628).

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: I urge you to vote against Representative Volenik's amendment. I think it has great intentions and I think his concerns would be valid. The only problem is that in this Income Tax Stabilization Fund we are phasing in a 20 percent rate reduction and once that rate reduction is achieved, then there is no longer a cap. As you all know, it is a great day to stand up here and speak before this body and it is the first time in five years that I can tell you that we are debating issues and not about increasing taxes. I think that is the good feeling here that we should have. In the past the debate towards the end of year is about where we are going to find more money and what taxes are we going to raise and that debate is not taking place today. I think that is a tribute of this Legislature's and your committee's work. I would urge you to vote against the amendment before you. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I will be voting for this amendment for the following three reasons. First, the revenue path is an ultimate gimmick. How can we say we have gotten rid of the past gimmicks and then add in a huge gimmick that goes into effect in future years? Second, the revenue path is fiscally irresponsible. How can we say we put our fiscal house in order, if we enact this cap and threaten our bond rating and add millions of dollars in costs to our bonding costs? Our bond rating has already been downgraded over the past few years because of past gimmicks in our budget. Thirdly and finally, the revenue cap. I am opposed to the revenue cap and the accompanying tax breaks because it is designed to give today's politicians, you and me, a political benefit at the expense of our future. It is politically expedient, but it is fiscally irresponsible and I cannot support it. Therefore, I will be voting green on the pending motion.

Representative ROSEBUSH of Millinocket requested a roll call on adoption of House Amendment "A" (H-630) to House Amendment "A" (H-628).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: Just for the record, I will be voting against the pending motion, due to the tying of the education subsidy and tying the dispersement to this budget. Unlike many of the people that have pending amendments to this budget, I don't have any problem

with the budget in essence, other than the dispersement of education funds. With my communities in Washington, rural Penobscot and Hancock counties, I just cannot support a budget that does not address the educational needs. I would highly recommend that we vote against this budget and separate the two so that we can vote the dispersement of education subsidies separately. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: I will be supporting the amendment for a variety of reasons. Since we first learned about this provision of the budget, I have done a fair amount of work trying to track down what the impact of a lower bond rating might be on many of the agencies that I have the experience of working with through committee, the Finance Authority of Maine, Maine State Housing Authority, Maine Municipal Bond Bank and others.

You heard reference made to the State Treasurer's letter and in addition to that some of us have sought out information from the Finance Authority of Maine and others to indicate what the impact of a tax cap that threatens our bond rating might be in terms of the state's standing as a fiscal entity. I realize politically that this is a difficult issue in the sense that we have a delicate balance politically on the Appropriations Committee and providing all sorts of unanimous reports. It has not been my experience to obstruct unanimous reports from any committee and I think my record will show that I have supported every budget that I have had the opportunity to vote on.

I am going to give you a specific example of why I thought about this as much as I have. Earlier this session, you heard me and other members of the Utilities Committee speak in strong support of the Electric Rate Stabilization Act, which allowed first CMP and then Bangor Hydro to use Finance Authority of Maine bonds to buy nonutility generators. They sent me information that I just received this morning from the Finance Authority of Maine. If the bond rating, based on action that we take in this budget result in something as small as a .2 percent change, it would cost Bangor Hydro Electric Company an additional 2.5 million dollars over the 10-year term of the bond. Now regrettably, the Appropriations Committee didn't have the opportunity to do the kind of analysis that I think they were able to do on other issues. Many of us only learned of this information yesterday and I am still trying to fully understand the impact of a lot of the other issues in the budget.

This piece in particular affects issues that have come out of the Utilities Committee, and the Business and Economic Development Committee that have a direct impact on your communities ability to issue bonds to the Maine Municipal Bond Bank. It is my belief that the ripple affect of the tax cuts cap provision in this particular budget document has an incalculable negative impact on the state's economic well-being. What my hope is that we can capture some time to refine this piece of the budget and work with a variety of folks who may have a number of ideas that they weren't able to offer them when the committee voted on Friday night and see if there is a way that we can't find some feeling, I hate to use the word cap, on income tax revenues that wouldn't put our bond rating in the jeopardy that I believe it will be in. I would be happy to participate in those

discussions as I believe other members of both caucuses would be. For that reason, I will be supporting the amendment before us.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: To expand upon what the good Chairman of the Appropriations Committee had stated earlier when discussing with folks from Standard and Poor what they consider when rating a state. I believe there were four items given. First, management, that's us and that is the Governor. How do we work? What are our goals? What are we pushing for? What kind of interaction do we have? So far we are doing pretty good. You would never be able to tell that by reading some headlines, but we have agreed on a lot and we are moving the state in a positive direction.

The second one is our bonded indebtedness. The State of Maine does not have a very high bonded indebtedness. We are somewhere in the middle and they rate us as not too bad. That will improve with the Governor's package on bonds that you will see coming before you because it is 90 percent of what we are retiring. Now, that is two things that we are doing right out of the four.

Number three is the budget. Are there gimmicks? Are we not paying our bills? Are we pushing and pulling and doing everything we can to hide methods of paying our bills on time? No. From what I understand, they have seen our budget and it is not too bad. We are moving in the right direction and we have taken care of the gimmicks. We have taken care of paid bills. We have not castigated those who have come forward and said we found this in a drawer. We need it in a supplemental budget. We have paid our bills. We have had two supplemental budgets and we have paid our bills.

Fourth, not to quote President Clinton, but it is the economy. The economy is the largest portion of how they rate us. How our state is rebounding from the recession that struck nationwide? Maine is not doing that great. We have an anemic growth. To say that we put an income tax cut or cap in place and more money stays in the economy and will churn in the private sector economy round and round when people have that \$77 or \$168 and go out and purchase sneakers for their kids, clothes, diapers or whatever things people do with their wages, that money will move the economy. We are taking less out of the economy and that will only happen as revenues rise.

If we do not hit the cap of 676 million dollars, we will not be getting a cut. If we slide into recession, as someone had eluded to, we will not be getting an income tax cut. It is capped at 20 percent. It does not go on and on and on forever. Bond ratings were mentioned and I know a little bit about bond ratings. Bond ratings have to do with, as we talked about with the four things we are talking, the bond increases in rates that were mentioned by the good Representative from Windham, Representative Kontos. There are other things outside the State of Maine that have more affect on the base rate that we are dealing with than on the four items we have talked about. Before this budget was ever proposed, before we ever got into talking about income tax cuts, sales tax cuts, snack tax cuts and tax credits for R, C and D, tax credits for airlines, the cost of

money went up. That was because our economy nationally is improving.

The federal reserve increased the cost of money that had nothing to do with what we were here in the State of Maine. The four items that were mentioned before are the four items that Standard and Poor said they thought about are the four items that we need to be concerned about. Maine is improving on those. Thank you.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I won't repeat what has been said by Representative Donnelly or Representative Kerr. I would like to have you think about just one thing here. We are talking about capping the personal income tax. That is about 609 million dollars a year right now. We are not talking about capping it until it gets to 676 million dollars. That is an 11 percent increase. The total receipts of this state are 1.7 billion dollars. If the same increase was applied to that, you are talking about an increase in state revenues of about 192 million dollars a year. You would reach that level of total receipts and we are talking about looking at the income tax and no excess over 676 million as going into a fund. You just think about that for a minute. Is that going to bring state government to a screeching halt? I don't think so. We are talking about a very small portion of our total receipts and we are talking about sending out a message of yes, we are going to try to do something to eventually cap spending. That is what this is all about. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to adopt House Amendment "A" (H-630) to House Amendment "A" (H-628). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 252

YEA - Adams, Berry, Bunker, Chartrand, Chase, Daggett, Etnier, Fisher, Fitzpatrick, Gates, Gould, Green, Hatch, Heeschen, Jones, K.; Kilkelly, Kontos, Lemaire, Lemke, Richardson, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Treat, Volenik, Watson.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Birney, Bouffard, Brennan, Buck, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Farnum, Gamache, Gerry, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

ABSENT - Dexter, Gieringer, Keane, Morrison, Poulin, Yackobitz.

Yes, 30; No, 115; Absent, 6; Excused, 0.

30 having voted in the affirmative and 115 voted in the negative, with 6 being absent, House Amendment "A" (H-630) to House Amendment "A" (H-628) was not adopted.

On motion of Representative JACQUES of Waterville, tabled pending adoption of House Amendment "A" (H-628) and later today assigned.

The following items were taken up out of order by unanimous consent:

ENACTORS
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for Facilities Serving People with Mental Illness (H.P. 313) (L.D. 417) (C. "A" H-581)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 120 voted in favor of the same and 12 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Bond Issue

An Act to Authorize a General Fund Bond Issue to Connect Libraries and Communities Electronically (S.P. 191) (L.D. 500) (C. "B" S-310)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative MARTIN of Eagle Lake requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 253

YEA - Adams, Ahearne, Aikman, Bailey, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyner, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Luther, Madore, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle,

Tyler, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

NAY - Joyce, Lane, Layton, Lumbra, Marshall, Pinkham, Underwood.

ABSENT - Ault, Barth, Dexter, Gieringer, Keane, Lemaire, Poulin, Yackobitz.

Yes, 136; No, 7; Absent, 8; Excused, 0.

136 having voted in the affirmative and 7 voted in the negative with 8 being absent, in accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Strengthen Maine's Live Harness Racing Industry (H.P. 619) (L.D. 829) (H. "B" H-580)

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: It is with conflicting feelings that I address you actually. House Amendment "B" which was adopted last week is a bad, bad amendment. However, it is bad because it takes out the moratorium provision which was specifically inserted in a previous committee amendment for one simple reason. We had potential liability and we still have potential liability up to our eyeballs. There is also a veto clause that is in House Amendment "B" which, as I understand it, is the only industry that has veto over industry. That has potential legal problems. However, this bill is very, very important to the live harness racing industry in Maine.

Therefore, I think the long and short of this is there are probably more positives to this bill than there are negatives. Having made those comments, I vow to you and the rest of my committee vows to you that the macrovision of the whole harness racing industry, OTBs and everything related to that will be addressed in the second session of this Legislature. Having made those comments, I know my conscience feels a lot better, but I would still urge you to vote for this bill. Thank you.

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide for Alternative Dispute Resolution in Domestic Relations Matters and to Provide for the Recodification and Revision of the Maine Revised Statutes, Title 19 (H.P. 1024) (L.D. 1439) (C. "A" H-591)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.